



Entered on Docket
May 29, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE
COMPANY,
USA CAPITAL REALTY ADVISORS,
LLC,
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,
USA CAPITAL FIRST TRUST DEED
FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007
Time: 9:30 a.m.

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

ORDER SUSTAINING SIXTEENTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS

The USACM Liquidating Trust (the "USACM Trust") filed its Sixteenth Omnibus Objection to Claims Asserting Secured Status [DE 3163] (the "Objection") on March 20, 2007. Appropriate notice of the Objection was given. No responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m.

Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Sixteenth Omnibus Objection to Claims Asserting Secured Status;
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
 - ☐ approved the form of this order;
 - ☐ waived the right to review the order;
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
 - ☐ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.
- ☒ No opposition was filed and no other party or counsel appeared at the hearing.

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

16th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims

	<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1	Joyce E Smith Trust C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00893	10/31/2006	\$853,678.82	S, U
2	Joyce E Smith Trust C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00894	10/31/2006	\$50,419.73	S
3	Joyce E Smith Trust C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00895	10/31/2006	\$33,561.49	S
4	Joyce E Smith Trust C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00897	10/31/2006	\$84,914.53	S
5	Joyce E Smith Trust C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00899	10/31/2006	\$51,238.60	S
6	Joyce E Smith Trust C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00902	10/31/2006	\$52,915.20	S, U
7	Joyce E Smith Trust C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00905	10/31/2006	\$105,750.50	S
8	Joyce E Smith Trust C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00906	10/31/2006	\$134,114.58	S
9	Joyce E Smith Trust C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00907	10/31/2006	\$101,981.98	S
10	Joyce E Smith Trust C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00909	10/31/2006	\$53,791.67	S

11	Joyce E Smith Trust C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00910	10/31/2006	\$53,645.83	S
12	Joyce E Smith Trust C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00911	10/31/2006	\$50,865.81	S
13	Joyce E Smith Trust C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00912	10/31/2006	\$80,478.95	S
14	Joyce, David 7465 Silver King Dr Sparks, NV 89436	10725-00503	10/9/2006	\$125,000.00	S
15	Virga, Julie A 2567 Harkness St Sacramento, CA 95818-2325	10725-01696	12/11/2006	\$150,287.00	S, U
16	Jwb Investments Inc Pension Plan 2333 Dolphin Ct Henderson, NV 89052-5320	10725-00164	8/28/2006	\$101,493.06	S
17	Jwb Investments Inc Pension Plan 2333 Dolphin Ct Henderson, NV 89052-5320	10725-00192	9/8/2006	\$101,493.06	S
18	Jwb Investments Inc Pension Plan 2333 Dolphin Ct Henderson, NV 89074-5320	10725-00815	10/30/2006	\$108,506.96	S
19	Kantor Family Trust Dated 5/6/82 Ronald A & Ruth E Kantor Ttees 1921 N Beverly Dr Beverly Hills, CA 90210-1612	10725-00593	10/16/2006	\$369.00	S
20	Karen L Pidgeon 2006 Living Trust Dated 2/27/06 C/O Karen L Pidgeon Ttee PO Box 41619 Sacramento, CA 95841-1619	10725-01477	11/15/2006	\$538,643.00	S
21	Karen L Pidgeon 2006 Living Trust Dated 2/27/06 C/O Karen L Pidgeon Ttee PO Box 41619 Sacramento, CA 95841-1619	10725-01477	11/15/2006	\$538,643.00	S
22	Karen Petersen Tyndall Trust C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	10725-00795	11/9/2006	\$1,115,915.59	S

23	Karen Petersen Tyndall Trust C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	10725-01183	11/10/2006	\$1,115,915.59	S
24	Karlin Trust C/O Francis J Karlin Trustee 4009 Cutting Horse Ave N Las Vegas, NV 89032-2674	10725-00949	11/2/2006	\$94,296.97	S, U
25	Karren, Thomas 20483 Powder Mountain Ct Bend, OR 97702	10725-00521	10/10/2006	\$50,000.00	S
26	Kassel 1988 Trust C/O William J Kassel Trustee 4533 Pony Express St North Las Vegas, NV 89031-0114	10725-00338	9/28/2006	\$50,000.00	S
27	Kassel, William 4533 Pony Express St N Las Vegas, NV 89031	10725-00337	9/28/2006	\$50,000.00	S, U
28	Kathy John & Tina Eden Jt Wros 57 Pointsettia Dr Ormond Beach, FL 32176-3518	10725-01556	12/6/2006	\$30,000.00	S
29	Kathy John & Tina Eden Jt Wros 57 Pointsettia Dr Ormond Beach, FL 32176-3518	10725-01557	12/6/2006	\$32,000.00	S
30	Kathy John & Tina Eden Jt Wros 57 Pointsettia Dr Ormond Beach, FL 32176-3518	10725-01558	12/6/2006	\$25,000.00	S
31	Kathy John & Tina Eden Jt Wros 57 Pointsettia Dr Ormond Beach, FL 32176-3518	10725-01559	12/6/2006	\$25,000.00	S
32	Kathy John & Tina Eden Jt Wros 57 Pointsettia Dr Ormond Beach, FL 32176-3518	10725-01560	12/6/2006	\$50,000.00	S
33	Katzman Family Trust Dtd 4/3/87 C/O Harold Katzman Trustee 5 Torrey Pine Dr Newport Coast, CA 92657-1539	10725-00361	10/2/2006	\$50,000.00	S
34	Kay M Cantrell & Donald L Hess Jt Ten 1818 Madero Dr The Villages, FL 32159	10725-02094	1/11/2007	\$49,551.70	S, U
35	Kay M Cantrell & Kay J Hart Jt Ten 455 Magnolia Ave Fairhope, AL 36532	10725-02050	1/11/2007	\$77,415.06	S, U

36	Kearns Trustee Of The Km Trust, Aimee E 5886 N Bonita Vista St Las Vegas, NV 89149	10725-01997	1/10/2007	\$767,540.46	S, U
37	Kearns Trustee Of The Murray Trust, Aimee E 5886 N Bonita Vista St Las Vegas, NV 89149	10725-01998	1/10/2007	\$364,717.94	S, U
38	Kefalas Trust Dtd 7/3/97 C/O Kenneth & Debbie Kefalas Ttees 2742 Carina Way Henderson, Nv 89052-4055	10725-01868	1/5/2007	\$510,000.00	S
39	Kefalas, Chris & Kathy 2050 S Robb Way Lakewood, CO 80227-1963	10725-01867	1/5/2007	\$50,000.00	S
40	Keller, Peter 640 Valencia Dr Boulder City, NV 89005	10725-00827	10/30/2006	\$50,000.00	S
41	Kelley Family Trust Uad 10/10/91 C/O David G & Ana W Kelley Ttees 633 Haverkamp Dr Glendale, CA 91206-3118	10725-01529	11/30/2006	\$2,702.18	S
42	Ken Wyatt Enterprises Inc Po Box 370400 Las Vegas, NV 89137-0400	10725-01823	12/28/2006	\$63,866.73	S
43	Kennedy, Valda Po Box 2845 Reno, NV 89505	10725-00457	10/5/2006	\$50,000.00	S
44	Kenneth Addes IRA 100 W Broadway Apt 7V Long Beach, NY 11561-4019	10725-01620	12/8/2006	\$113,416.64	S, P, U
45	Kenneth Addes IRA 100 W Broadway Apt 7V Long Beach, NY 11561-4019	10725-01623	12/8/2006	\$380,878.66	S, U